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5 Attorneys for GARY BOLTON, as Trustee of the  
Arthur A. Bolton Revocable Trust dated May 20, 2000,  
6 the Family Trust A – Marital Trust, and the Trust B – Family Trust

7  
8 UNITED STATES DISTRICT COURT  
9  
10 NORTHERN DISTRICT OF CALIFORNIA  
11

12 GARY BOLTON, as Trustee of the Arthur A.  
13 Bolton Revocable Trust dated May 20, 2000, the  
Family Trust A – Marital Trust, and the Trust B –  
14 Family Trust,

15 Plaintiffs,

16 v.

17 LUMBERMENS MUTUAL CASUALTY  
18 COMPANY, an Illinois corporation,  
19 Defendant.  
20

Case No.: C 05-1109 SC

AMENDED STIPULATION AND  
~~PROPOSED~~ ORDER CONTINUING  
HEARING ON PLAINTIFF'S MOTION FOR  
SUMMARY JUDGEMENT REGARDING  
DUTY TO DEFEND

Date: December 9, 2005  
Time: 10:00 a.m.  
Courtroom: One

[Hon. Samuel Conti, Senior Judge]

23 WHEREAS, on November 7, 2005, Plaintiff filed his Motion for Summary Judgment  
24 Regarding Duty to Defend, which is calendared for hearing before the Court on December 9, 2005;

25 WHEREAS, pursuant to the Court's August 5, 2005, Minute Entry, the Court contemplated  
26 that Plaintiff and Defendant would be filing cross-motions for summary judgment; and

27 WHEREAS, counsel for Defendant has reserved a hearing date with the Court of January 6,  
28 2006, for Defendant's Motion for Summary Judgment.

1           THEREFORE, the parties, through their respective counsel of record herein, stipulate as  
2 follows:

3           1. That subject to the Court's approval, the hearing on Plaintiff's Motion for Summary  
4 Judgment shall be continued from December 9, 2005, to January 6, 2006; and

5           2. That Defendant will file its cross-motion for summary judgment on or before December 2,  
6 2005, Plaintiff's and Defendant's respective oppositions will be filed on or before December 16,  
7 2005, and Plaintiff's and Defendant's respective reply briefs will be filed on or before December 23,  
8 2005.

9  
10 Dated: November 10, 2005

ISOLA & ASSOCIATES, LLP

11  
12 By: /s/ as authorized on November 10, 2005

13 DAVID R. ISOLA

14 Attorneys for Plaintiff, GARY BOLTON,  
15 as Trustee of the Arthur A. Bolton  
16 Revocable Trust Dated May 20, 2000, the  
17 Trust A – Marital Trust, and Trust B –  
Family Trust and as Executor of the Estate  
of Arthur Bolton

18 Dated: November 10, 2005

SELMAN BREITMAN

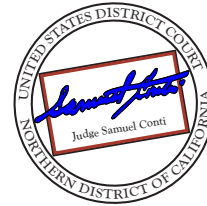
19  
20 By: /s/ as authorized on November 10, 2005

21 TIFFANY D. TROISI.

22 Attorneys for Defendant,  
23 Lumbermens Mutual Casualty  
24 Company  
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26  
27  
28

~~[PROPOSED]~~ ORDER

**GOOD CAUSE APPEARING**, the hearing on Plaintiff's Motion for Summary Judgment Regarding Duty To Defend is hereby continued to January 6, 2006, at 10:00 a.m. The Court further orders that: (1) Defendant shall file its cross-motion for summary judgment on or before December 2, 2005; (2) Plaintiff's and Defendant's respective oppositions shall be filed on or before December 16, 2005; and (3) Plaintiff's and Defendant's respective reply briefs shall be filed on or before December 23, 2005.



Dated: November 14, 2005

United States District Court Judge